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OFFICE OF FEDERAL
PROCUREMENT
POLICY

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

EXECUTIVE OFFICE OF THE PRESIDENT

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TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

FROM: WILLIAM E. MATHIS, ADMINISTRATOR

William E. Mathis

SUBJECT: Report to Congress on Competition Advocacy

1. PURPOSE. The purpose of this memorandum is to establish guidelines for the preparation of a uniform part to be included in each executive agency's report to Congress on its competition advocacy program.

2. BACKGROUND: Public Law 98-369, the Competition in Contracting Act, amends the Office of Federal Procurement Policy Act, P. L. 93-400 as amended, to establish the position of advocate for competition in each executive agency. It also required that:

"Section 21(a). "Not later than January 31 of each of 1986, 1987, 1988, 1989, and 1990, the head of each executive agency shall transmit to each House of Congress a report including the information specified in subsection (b).

"(b) Each report under subsection (a) shall include--

"(1) a specific description of all actions that the head of the executive agency intends to take during the current fiscal year to:

"(A) increase competition for contracts with the executive agency on the basis of cost and other significant factors; and

"(B) reduce the number and dollar value of noncompetitive contracts entered into by the executive agency; and

"(2) a summary of the activities and accomplishments of the advocate for competition of the executive agency during the preceding fiscal year."

3. NEED FOR UNIFORMITY.

Many options are available for displaying procurement data and for reporting agency performance with respect to certain objectives or goals. For instance, when percentages are reported, specific categories of actions may appropriately be deleted from the base on which the percentage is computed, because the excluded

categories are not applicable to the measured objectives. Taken by itself within a single agency this is an acceptable procedure. In the case of agency reports to Congress on the competition advocacy program, however, it is necessary that decisions regarding the exclusion of specific categories of actions be made on a consistent basis in at least one identifiable part of each report.

4. GUIDELINES. (a) Each executive agency should provide in its competition advocacy report to Congress one section or part that complies with the guidelines of paragraph (b) below. That part or section should be clearly identified as being in compliance with this OFPP memorandum.

(b) Certain procurement actions are not available for competition. Some agencies have a larger number of these actions than others. For the purpose of reporting the accomplishments of the Competition Advocates it is therefore appropriate to exclude from the base those actions for which there is no opportunity for competition. The following categories of procurement actions, as defined in the Federal Procurement Data System, should be excluded from the base in that part of the report identified in (a) above:

- (1) Any procurements authorized or required by statute to be awarded to a designated source;
- (2) Awards under Section 8(a) of the Small Business Act, as amended;
- (3) Awards for utilities (excluding telecommunications) where there is no opportunity for competition;
- (4) Directed acquisition for foreign governments;
- (5) Brand named products for authorized resale; and
- (6) Other awards for which there is no opportunity for competition.

Any exclusion under number (6) above should include an explanation of the circumstances precluding the opportunity for competition and the dollar value and number of awards in each such excluded category.

(c) Uniform data submitted in accordance with these guidelines should be displayed as shown in Figure 1. Nothing in this letter should be construed to inhibit an agency from explaining, in other parts of its report, any factors affecting competition or from reordering the data in any way to show the accomplishments of the Competition Advocate relative to the unique circumstances of the programs of that agency.

FIGURE 1

PROCUREMENT ACTIONS OVER \$25,000	NUMBER OF ACTIONS	PERCENTAGE OF AVAILABLE ACTIONS	DOLLAR OBLIGATIONS (000)	PERCENTAGE OF AVAILABLE DOLLARS
I. Actions Available For Competition				
A. Actions Competed ¹ .				
B. Follow-on To Competed Actions ² .				
C. Actions Not Competed				
D. Total Available		100%		100%
II. Actions Excluded ³		XXXXX		XXXXX
III. Total Actions		XXXXX		XXXXX

PROCUREMENT ACTIONS UNDER \$25,000	NUMBER OF ACTIONS	PERCENTAGE OF AVAILABLE ACTIONS	DOLLAR OBLIGATIONS (000)	PERCENTAGE OF AVAILABLE DOLLARS
I. Actions Available For Competition				
A. Actions Competed ¹ .				
B. Actions Not Competed				
C. Total Available		100%		100%
II. Actions Excluded ³ .		XXXXX		XXXXX
III. Total Actions		XXXXX		XXXXX

NOTE 1. Includes the following three categories of competed actions under CICA: a) Full and Open Competition; b) Less than Full and Open Competition - more than one offer/bid received; and c) Full and Open Competition - only one responsible offer/bid received. It also includes the pre CICA categories of competition: (i) Two-step Formal Advertising, (ii) Other Formal Advertising, and (iii) Negotiated Competitive.

NOTE 2. If not applicable, may be deleted from form.

NOTE 3. Agencies including "other" exclusions (see para. 4(b)(6) of OFPP letter) should list each category separately as subelements in this item II.